

EXHIBIT 1
STATE COURT FILE

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSOURI

TONY NOWLIN
4201 Clark Lane #123
Columbia, MO 65202

Plaintiff

v.

CARGILL, INCORPORATED, a
Delaware corporation

Defendant.

Serve Registered Agent for Defendant:
The Corporation Company
120 S. Central Avenue – Suite 400
St. Louis, MO 63105

Case No. _____

JURY TRIAL DEMANDED

PETITION FOR DAMAGES

COMES NOW Plaintiff, Tony Nowlin, by and through his attorneys Bley & Evans LC, and for his Petition for Damages against Defendant, Cargill, Incorporated, states and alleges as follows:

1. Plaintiff Tony Nowlin resides in Columbia, Boone County, Missouri.
2. Defendant Cargill is a corporation based in Minnetonka, Minnesota, and incorporated in Wilmington, Delaware.
3. The incident that gave rise to this action occurred in Montgomery City, Missouri, and, therefore, venue is proper in Montgomery County, Missouri.
4. On January 13, 2020, at approximately 3:00 P.M., Plaintiff was picking up a delivery for his employer, Old Dominion, at the Cargill facility in Montgomery City, Missouri.
5. Plaintiff was a business invitee at the time of the incident, and was, therefore, owed a duty by Defendant to maintain a reasonably safe property.

6. Prior to plaintiff's arrival at the facility, ice and/or snow had been allowed to accumulate in the parking lot and sidewalk in front of the facility.

7. Prior to Plaintiff's arrival at the facility, at least one person had slipped and fell on the ice and/or snow that had accumulated on the parking lot and sidewalk.

8. The ice and/or snow in the parking lot and sidewalk area created a dangerous condition that was not reasonably safe at the time of Plaintiff's arrival.

9. Employees of Defendant Cargill were aware that other individual(s) had fallen on the ice and/or snow, prior to the Plaintiff's arrival at the facility, and were, therefore, aware that the parking lot and sidewalk were not reasonably safe.

10. Defendant, acting through its employees, failed to take reasonable steps to remedy the dangerous condition.

11. As a direct result of the dangerous condition of Defendant's facility, Plaintiff suffered injury to his shoulder resulting in a torn rotator cuff.

12. Plaintiff's injury has directly resulted in the following damages:

- a. Past medical expenses in excess of \$71,546.14;
- b. Future medical expenses;
- c. Past and future lost wages; and
- d. Past and future non-economic damages, including pain and suffering and loss of enjoyment of life.

WHEREFORE, Plaintiff prays that the Court enter Judgment against Defendant in an amount in excess of \$25,000, plus pre and post judgment interest, and further relief deemed appropriate by the Court.

Respectfully Submitted,

BLEY & EVANS, L.C.

By: /s/ Mark J. Evans

MARK J. EVANS, #39050

WALLY BLEY, #28657

1000 W. Nifong Blvd.

Bldg. 4 - Ste. 200

Columbia, MO 65203

P: (573) 443-8385

F: (573) 443-8395

evans@bleyevanslaw.com

bley@bleyevanslaw.com

ATTORNEYS FOR PLAINTIFF



IN THE 12TH JUDICIAL CIRCUIT, MONTGOMERY COUNTY, MISSOURI

Judge or Division: JASON H LAMB	Case Number: 21AA-CC00003	(Date File Stamp)
Plaintiff/Petitioner: TONY NOWLIN	Plaintiff's/Petitioner's Attorney/Address MARK J. EVANS 1000 WEST NIFONG BLVD BUILDING 4, SUITE 200 COLUMBIA, MO 65203	
Defendant/Respondent: CARGILL INCORPORATED	Court Address: 211 E 3rd ROOM 301 MONTGOMERY CITY, MO 63361	
Nature of Suit: CC Pers Injury-Other		

Summons in Civil Case

The State of Missouri to: CARGILL INCORPORATED
SERVE REGISTERED AGENT: THE CORPORATION COMPANY, 120 SOUTH CENTRAL AVENUE, SUITE 400,
ST. LOUIS, MO. 63105

COURT SEAL OF



MONTGOMERY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

/s/ Robyn R. Schmidt
Montgomery County Circuit Clerk
12:29 PM, 1/20/2021, RIEGELD.J

JAN. 20, 2021

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 12TH JUDICIAL CIRCUIT, MONTGOMERY COUNTY, MISSOURI

Return SB 2/19

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Plaintiff/Petitioner: TONY NOWLIN	Plaintiff's/Petitioner's Attorney/Address MARK J. EVANS 1000 WEST NIFONG BLVD BUILDING 4, SUITE 200 COLUMBIA, MO 65203
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☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
☒ other: **THE CORPORATION CO.** **INTAKE SPECIALIST**

Served at _____ (address)
in **St. Louis County** (County/City of St. Louis), MO, on **JAN 29 2021** (date) at **9 AM** (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer.

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$._____ per mile)
 Total \$ _____

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21-SMCC-711



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- 01/20/2021 ☐ **Judge Assigned**
- ☐ **[Pet Filed in Circuit Ct](#)**
Petition for Damages.
Filed By: MARK J. EVANS
- ☐ **Confid Filing Info Sheet Filed**
Confidential Case Filing Information Sheet.
Filed By: MARK J. EVANS
On Behalf Of: TONY NOWLIN
- ☐ **Filing Info Sheet eFiling**
Filed By: MARK J. EVANS
- ☐ **[Summons Issued-Circuit](#)**
Document ID: 21-SMCC-19, for CARGILL INCORPORATED MN.
- 02/01/2021 ☐ **[Notice of Service](#)**
21-SMCC-19 by St. Louis County; Electronic Filing Certificate of Service.
- ☐ **Corporation Served**
Document ID - 21-SMCC-19; Served To - CARGILL INCORPORATED MN; Server - SO ST LOUIS COUNTY-CLAYTON; Served Date - 29-JAN-21; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served
- 02/10/2021 ☐ **[Motion for Change of Venue](#)**
Motion for Change of Venue.
Filed By: MARK J. EVANS
On Behalf Of: TONY NOWLIN

Case.net Version 5.14.16

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